

## REMARKS

This reply is submitted pursuant to 35 U.S.C. §132 and 37 C.F.R. §1.111. The Office Action was carefully considered by the undersigned attorney and applicant. Reconsideration of the application is respectfully requested.

### **1. Summary of the Office Action.**

Claims 1-6 were pending.

Claims 1-6 stand rejected under 35 U.S.C §112, second paragraph.

Claims 1-6 stand rejected under 35 U.S.C §102(a) or (b) over Shotmeyer or Sistonen.

### **2. Discussion.**

**Rejections Under Section 112 .** Claims 1-6 were rejected under 35 USC §112, second paragraph.

The examiner is thanked for particularly pointing out the informalities in the claims. Applicant has amended each claim to remedy the informality and particularly point out and distinctly claim the subject matter which applicant regards as the invention. Withdrawal of the rejection is believed to be in order.

**Rejections Under Section 102.** Claims 1-6 were rejected under 35 USC §102(a) or (b) as being anticipated by Shotmeyer, and under 102(a) or (b) as being anticipated by Sistonen.

**Claim 1.** Apparatus independent claim 1 is amended to clarify the invention, whereby it is believed that the examiner will appreciate the differences with respect to the applied prior art. Specifically, the claim now clearly is directed to a forecourt system which includes a footing, a canopy pillar erected on the footing, an adjustable island support column also erected on the footing, and an

island adjustably supported by the island support column. The structure and function of the invention as now claimed is not literally shown, suggested or made obvious by Shotmeyer nor Sistonen. In contrast, Shotmeyer discloses a conventional filling station canopy where only the canopy 18 and its pillars 32 are supported by the footing, and wherein the island 84 is supported on the ground 14. Sistonen also discloses a conventional fuel dispensing station where only the canopy and pillar 4 are supported by a footing, and wherein the island 2 is laid on ground. Neither Shotmeyer nor Sistonen disclose or suggest a column supporting an island, an adjustable island, nor an island adjustably supported by an adjustable column. Applicant's invention has the advantage of being modularly installable and of adjusting the level of the island during installation or later when island subsidence may occur. The amendment is believed to clarify that the claim does not literally cover the applied prior art. Withdrawal of the rejection is requested.

**Claim 2.** This claim is amended to clarify that the forecourt system further comprises a protective membrane disposed below the island to minimize damage from a fuel leak. This structure and function is not shown or suggested in the applied references. The claim is believed to be patentable for this reason in addition to those urged with respect to its base claim above.

**Claim 4.** This claim is amended to clarify that the forecourt system further comprises an island support rods which have adjusting rods extending from the top end of the island support column which extend through a hole in the island for adjusting the level of the island. This structure and function is not shown or suggested in the applied references. The claim is believed to be patentable for this reason in addition to those urged with respect to its base claim above.

**Claim 5.** Apparatus independent claim 5 is amended to clarify the invention, whereby it is believed that the examiner will appreciate the differences with respect to the applied prior art. Specifically,

the claim now clearly is directed to a method of constructing forecourt which includes the steps of forming a footing, attaching an adjustable island support column on the footing, installing an island on the island support column, and installing a canopy pillar on the footing. The structure and function of the invention as now claimed is not literally shown, suggested or made obvious by Shotmeyer nor Sistonen. In contrast, Shotmeyer and Sistonen disclose conventional filling stations wherein the islands are installed on the ground. Neither Shotmeyer nor Sistonen disclose or suggest a column supporting an island, an adjustable island, nor an island adjustably supported by an adjustable column. The amendment is believed to clarify that the claim does not literally cover the applied prior art. Withdrawal of the rejection is requested.

**Claim 7.** This new independent apparatus claim contains all of the limitations of amended claim 1 discussed above, and further requires that the island support column have and adjustment rod for leveling the island. It is believed to be patentable over the applied art.

**Claim 8.** This new claim depends from claim 7 and further requires that the forecourt have an installation well coupled to the island and a protective membrane for fuel leak containment. It is believed to be patentable over the applied art.

**Claim 9.** This new independent method claim contains all of the limitations of amended claim 5, and further requires the step of adjusting the length of the island support column to level the island. It is believed to be patentable over the applied art.

**Claim 10.** This new claim depends from claim 9 and further requires the step of placing protective membrane below the island and sealingly connecting it to the column and pillar. It is believed to be patentable over the applied art.

**Claims 3.** This claims is dependent upon claim 1; it adds at least one further limitation and is therefore deemed to be allowable with its base claim, at least for this reason.

### 3. Conclusion.

The claims pending after this amendment are believed to be patentable for the reasons stated above. The amendments are believed to be supported by the specification, claims and drawings as filed. It is believed that this case is now in a condition for allowance. Reconsideration and favorable action are respectfully requested.

**Should the Examiner believe that telephone communication would advance the prosecution of this case to finality, he is invited to call at the number below.**

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time under 37 CFR 1.136(a), provided a Petition is not submitted separately.

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INDEPENDENT claims remaining over that previously paid for:	1	\$ 42
	SUM claim fees:	\$ 42
EXTENSION fees:		\$ 55
OTHER fees:		\$0
	<u>TOTAL AMOUNT (if any)</u>	\$ 97
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